IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4742 OF 2004

IN
S.CASE NO. 547/2004

Parmeshwar @ Pudina Mandal .. Applicant.

V/s.
The State of Maharashtra .. Respondent.

Ms. Anjali Patil Contractor for Applicant.
Shri V.B. Konde- Deshmukh, APP for Respondent- State.

CORAM : A.M.KHANWILKAR, J.
DATED : 04.11.2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. It is not in dispute that the investigation is complete. It is also seen that other two co-accused who are stated to be working with the Applicant, have been released on bail by the court below. Although it appears that the said co-accused persons were the main persons in the alleged business of inducing the girls for doing the business of prostitution but for the reasons recorded by the court below, they have been released on bail except the applicant. From the meterials on record it appears that it was not a case

of use of force by the applicant in any manner. Accordingly, the applicant is enlarged on bail on the following conditions :-

a) The Applicant is enlarged on bail in connection with C.R. No. 180/2004 registered with Santacruz Police Station now transferred to S.S. Branch, Bombay being C.R. No. 00/ 2004 on executing personal bond in the sum of Rs.50,000/- (Rs. Fifty thousand only) with one or two local sureties in the like amount.

b) The applicant shall regularly report to the investigating officer on every Saturday between 10 a.m. to 1 p.m. during the pendency of the trial.

c) The applicant shall not influence the prosecution witness or tamper the prosecution evidence in any manner whatsoever.

d) The applicant shall extend full co-operation to the investigating officer as well as to the trial court. In the event, the trial court found that the applicant is

responsible for delay in concluding the trial, that fact may be recorded in the Rozanama which can be a ground for cancellation of the bail.

3. The application is allowed in the above term.

4. However, there is another aspect which needs to be examined in the present case. It appears that one of the witness who was the victim of the alleged incident, namely Poonam @ Rakhi, was admitted to Deonar Rehabilitation Centre, Sion, Trombay. But once again she is reported to have disappeared from the centre. Only recently a similar incident has been brought to my notice in W.P.No. 2037/2004 and I have called upon the Superintendent of Shrusti Gruha to examine the matter and appear before the court. That matter has been kept tomorrow. Even Superintendent of Deonar Rehabilitation Centre shall remain personally present in the court tomorrow so as to enable the court to pass appropriate orders in the matter. Besides, notice is issued to the Secretary, Home Department in respect of the said instances. Shri Konde-Deshmukh, APP waives notice for the Secretary, Home Department.

4. Order accordingly.

.....